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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 square kilometres. Fakaofo is the southernmost atoll, Nukunonu is nearly 50 kilometres away and Atafu nearly 100 kilometres from Nukunonu. Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, conducted in 1996, recorded a population of 1,507 people. In 1998, the population was estimated to have decreased to 1,443.[2] The constraints of atoll life and limited opportunities have led some 5,000 Tokelauans to settle abroad, particularly in New Zealand and Samoa.

3. The two main New Zealand appointees who engage with Tokelau are the Administrator, appointed by the Minister of Foreign Affairs and Trade, and the Tokelau Public Service (TPS) Commissioner, a delegate of the State Services Commissioner. Mr. Lindsay Watt, the Administrator, has been reappointed for a further two years, until February 2002. Mr. Aleki Silao, a New Zealand-based Tokelauan, will remain in his post as Public Service Commissioner until responsibility for public services is transferred to the Territory (see para. 9).

II. Constitutional and political developments

A. Constitutional developments

4. As reported in the previous working paper (A/AC.109/1999/17) on the question of Tokelau, the process of constitutional development is continuing. In August 1998, the General Fono (the national representative body) endorsed a comprehensive report entitled "Modern House of Tokelau" which addressed the core issue for Tokelau in creating a constitutional framework: how to construct a self-governing nation based on the village.

5. In accordance with recommendations made in the report, a new electoral system was instituted for the General Fono. In the past, the 27-seat General Fono was made up of members chosen by each village's Taupulega (Council of Elders) to serve three-year terms; only the Faipule (the representative of each village) and the Pulenuku (the mayor of each village) were elected. In January 1999, elections for a reformed General Fono, made up of 6 members from each village (18 altogether), were held on the basis of universal suffrage. Each village first elects four officials: Faipule, Pulenuku, Deputy Faipule and Deputy Pulenuku. Next, it elects two delegates nominated by designated groups in the village: women and the aumaga (the workforce of able-bodied men). The next elections for Faipule and other General Fono delegates are scheduled to be held in January 2002.

6. The newly elected General Fono reflects a generational change in General Fono membership. Delegates are now younger and have more formal education than before. In addition, whereas in the past membership in the General Fono was rotational in nature, several of the new delegates have served before. According to the administering Power, during the period under review, the organs of national self-government have progressively been given functions and powers previously exercised by the New Zealand Government and there has been a growing readiness on the part of Tokelau's traditional leaders to join in the building of new structures to meet the Territory's new needs. At meetings held with traditional leaders in the week of 6 March 2000, senior elected leaders stated that they were now ready to fully embark on the Modern House project. The Plan of Action being undertaken on a collaborative Tokelau-New Zealand basis is to pull together all the threads of the project before the new financial year begins on 1 July 2000. Accordingly, the project will be considered by each Taupulega before being discussed by the General Fono in June.

7. According to information provided by the Administrator, the 2000-2001 Plan of Action aims to:

(a) Integrate traditional decision-making processes with modern advice, thereby allowing elders to make quality decisions to meet the modern needs of their people;

(b) Set out the benefits to all the people, notably by showing that the spirit of pride and self-help can be recaptured under a village-centred approach and showing how Tokelau can best develop structures for economic survival within the global village;

(c) Describe the programmes and resources (human and material) required to build the Modern House, indicating all sources of funding (New Zealand and the United Nations Development Programme (UNDP) within the 2000/01 budget;

(d) Show how the delivery of public services can be changed by redistributing the workforce of "service deliverers and advisers" among the three Taupulega and the nation. This will improve the flow of information, the quality of advice and the standard of financial management. Information technology will be an important component in facilitating decision-making and improving links with Samoa and New Zealand;

(e) Enhance public understanding of the work of the General Fono's Special Constitution Committee, ongoing since 1995, to advance the goal of self-government, reflecting the political reality that the villages are the grantors of the powers of the national authority;

(f) Underline the scope for each atoll to proceed in ways that reflect its different characteristics.

B. Public service

8. Both the New Zealand and Tokelauan authorities have agreed that the arrangement whereby TPS is administered by the New Zealand State Services Commissioner no longer reflects the political reality in Tokelau. According to the Administrator, TPS may be seen as the administering Power's best endeavour in the 1970s to provide services in education, health, energy, transport and communications. Subsequent experience has shown, however, that this mechanism has been both help and hindrance: help in the sense that modern services have been provided; but hindrance in terms of the impact upon traditional leadership and upon village initiative, given that these services could be delivered only through a nationally based management system.

9. In July 1998, at the request of the territorial Government, the New Zealand State Services Commissioner appointed a New Zealand-based Tokelauan as TPS Commissioner in order to ensure the effective and efficient running of the existing TPS, and to assist Tokelau in developing and implementing a new independent public service that would fit within the new house of Tokelau.

10. The New Zealand Government now has legislation in place to enable responsibility for TPS to be passed from the State Services Commission in New Zealand to Tokelau, the timing to be set by mutual agreement when the Territory has established a suitable local employment framework. According to the Administrator, there is a wish on both sides to withdraw the State Services Commissioner as employer no later than 30 June 2001.

III. Economic and social conditions

A. Economic development

11. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the redistributive principles of traditional wealth (the *inati* system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposition at a central location of food and produce, which are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children.

12. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, isolation, the geographical spread of the atolls, limited and poor natural resources, and proneness to natural disasters (such as cyclones). Tokelau's economic stability has been made possible by the high levels of assistance provided by the administering Power, which has committed itself to contributing not less than 4.5 million New Zealand dollars (NZ$) for ongoing support for self-government for the next five years, as well as ongoing support for such projects as enterprise and infrastructure development.

13. As part of "building the Modern House of Tokelau", the Territory and the administering Power have established a joint Trust Fund as a vehicle whereby Tokelau can seek to become economically independent. This Trust Fund is supported in part through the rentier income that Tokelau receives from payments accruing to its exclusive economic zone, as well as through contributions from appropriate

agencies and programmes of the administering Power. Total expenditure by the New Zealand Official Development Assistance programme (NZODA) for the 1999/2000 financial year is projected at over NZ$ 6.5 million (US$ 3.3 million), which amounts to some US$ 2,100 per person.[3] Of this expenditure, NZ$ 4.5 million is assigned to "support for self-government" and NZ$ 2 million to project support. An additional payment of NZ$ 900,000 was made in June 1999, related to an earlier deficit, while a further payment of NZ$ 1.2 million was paid to Tokelau in December 1999 to enable it to meet funding gaps that had arisen in a number of areas, especially shipping. Both parties continue to draw on the services of an independent economic and financial adviser. A special mission in March 2000 focused on the 2000/01 official development assistance (ODA) programme. Consideration is being given to supplementing current levels of support with "traditional assistance" designed largely to fund capacity-building and advice in support of the Modern House project.

14. Regarding UNDP activities in Tokelau, they continue to support projects to build up Tokelauan social and economic capabilities. The Constitutional Development project is building on the groundwork commenced in 1997. In the context of UNDP's country cooperation framework for Tokelau (1998-2002), two new projects were initiated in December 1999, totalling US$ 360,000. A governance and public sector strengthening project is focusing on the establishment of an economic planning unit in TPS and on the upgrading of financial accounting and management services. A second project aims to develop a private sector based on marine resources and coconuts. Both projects are linked to job creation and sustainable livelihoods programmes within the Enterprise Development Agency newly created by NZODA.[4]

15. The International Labour Organization (ILO) has developed a Small Business Development project, which is being considered by the Government in Tokelau. Another ILO project proposes to rebuild the sea wall as part of employment-intensive and reconstruction activities.[5]

16. An up-to-date international telephone service that cost NZ$ 4 million and was inaugurated in April 1997 is expected to contribute to the Territory's progress towards self-determination by facilitating Tokelau's contact with the outside world. Previously, Tokelau had to rely on short-wave links to Samoa and a mail ship that visited every five weeks. Of the total cost, New Zealand contributed NZ$ 1.5 million and Tokelau NZ$ 1.6 million. UNDP and the International Telecommunication Union (ITU) provided the balance. Talks are ongoing between the Government of Tokelau and ITU on the use of residual project funds. Currently, a project funded by the Small Island Developing States Network (SIDSNET) is setting up a system to allow Tokelauans to have access to e-mail.[6]

B. Status of women

17. Women are well integrated in Tokelauan society. They participate fully in the village decision-making process, through women's committees, the village Councils of Elders and their membership in the General Fono. The new electoral system for the General Fono has increased gender equity. Women elected to the General Fono no longer function as the representative of the women's committee, but are responsible for representing all the people of the village. Tokelauan women have traditionally been involved in fishing for octopus and clam.[7] In May 1999, a Tokelauan was included in a training course in seafood business operations and management organized for women of the Pacific region by the New Zealand School of Fisheries.[8]

C. Education

18. Under Tokelau's compulsory education system, primary and secondary education is available to everyone. However, the low standard of the education system remains a problem, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education. Tokelau is the only member of the University of the South Pacific (USP) that does not have a USP Extension Centre. However, a new initiative funded by New Zealand, Australia and Japan may include Tokelau in an educational telecommunications system known as USPNet.[9]

D. Health

19. Average life expectancy is 69 years,[10] and there is easy access to health clinics. However, the shortage of qualified medical practitioners, surgeons and general

healthcare workers remains a serious problem on all of the atolls. The necessity of transferring the more serious cases to Samoa or New Zealand for treatment represents a large expense in the national budget.

IV. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

20. The Special Committee considered the question of Tokelau at its 9th meeting, on 29 June 1999. Statements were made by Aliki FaipulePio Tuia, Ulu O Tokelau (titular head of Tokelau), and by Mr. Lindsay Watt, Administrator of Tokelau. The Ulu answered questions posed by the representatives of Côte d'Ivoire and the Syrian Arab Republic. Statements were then made by the representatives of Fiji, Bolivia, Papua New Guinea and Chile. The Chairman drew the members' attention to the draft resolution contained in document A/AC.109/1999/L.7 which was then introduced by the representative of Papua New Guinea. The Committee adopted the draft resolution without a vote (A/AC.109/1999/22).

B. Special Political and Decolonization Committee (Fourth Committee)

21. At its third meeting, on 4 October 1999, the Special Political and Decolonization Committee (Fourth Committee) heard a statement by Ambassador Michael Powles, Permanent Representative of New Zealand to the United Nations (see A/C.4/54/SR.3, para. 26). At its eighth meeting, on 8 October 1999, the Committee adopted the draft resolution entitled "Question of Tokelau" contained in document A/54/23 (Part III), chapter XIII, section E, without a vote.

C. Action by the General Assembly

22. On 6 December 1999, the Rapporteur of the Special Committee introduced the report of the Special Committee to the General Assembly. With regard to Tokelau, he stated that the Special Committee had noted the firm commitment of the Territory to the development of self-government and to an act of self-determination. In this regard, the Special Committee had noted the inauguration in 1999 of a national Government based on village elections by universal adult suffrage. It commended Tokelau for its ongoing work in charting a distinctive, constitutional course that reflected its unique traditions and environment. The Special Committee noted with appreciation the continuing exemplary cooperation of the administering Power, New Zealand, in its work and, in particular, its readiness to permit access of visiting missions to the Territory (A/54/PV.71). The Assembly adopted its resolution 54/89 on the question of Tokelau without a vote.

V. Future status of the Territory

A. Position of the administering Power

23. Speaking before the Special Committee on 29 June 1999, the Administrator of Tokelau, Mr. Lindsay Watt, said that Tokelau was on track to self-determine, but that special features in its situation could mean that, for its own entirely explicable reasons, it might not be able to self-determine in the nearer future. On the one hand, Tokelau could be seen to be on track to self-determine essentially because it recognized that a century or more of contact with the outside world had given it a new set of needs, which were modern ones, and that therefore traditional ways and codes could not by themselves sustain productive livelihoods: hence, the development of a national governance capacity and, with that, the decision to modernize the three village structures. The former had required the devolution of executive and legislative powers to Tokelau. There had also been much home-generated work on governance arrangements, on the concept of the Modern House of Tokelau, on a Constitution and on the place and function of the national representative body, the General Fono.

24. On the other hand, Mr. Watt added, there were special reasons — having to do with culture and history — that meant that Tokelau might not be able to self-determine in the near future. These factors would shape the end result and influence the timing. The Special Committee needed to keep in mind why it was that, in 1994, the fourth visiting mission had received a

different message from the previous three. Now, for the first time, Tokelau said that it was willing to consider actively moving ahead to self-determination at a still unspecified time. Why? This was because a combination of circumstances allowed the "modern" view of Tokelau's needs to gain the support of the Faipule who were then assuming new national roles. They became convinced that it was in the interests of all Tokelauans to dip a toe into new constitutional territory.

25. The Administrator went on to say that, equally, the Special Committee must heed tradition. It would be fair to say that Faipule had carried, more than convinced, traditional leaders as to the correctness and necessity of the contemporary constitutional journey. Just as in 1994 a modern view had come through, so in 1999 or later a different combination of circumstances could prompt traditional leaders to call a halt to the journey. They remained the ultimate arbiters and must necessarily play a central role in future governance.

26. Speaking before the Fourth Committee on 4 October 1999, Ambassador Michael Powles, Permanent Representative of New Zealand to the United Nations, said that the current year had seen further progress on the question of Tokelau. The organs of national self-government of Tokelau were progressively being given functions and powers previously exercised by the New Zealand Government and there was a growing readiness of Tokelau's traditional leaders to join in building new structures to meet the Territory's governance needs. In addition, legislation had been adopted to transfer responsibility for the Tokelau Public Service from the New Zealand authorities to Tokelau.

27. He added that there was no doubt that Tokelau was on track to undertake an act of self-determination in the conventional sense. However, the particular features of its situation could mean that the Territory might not be ready to take that step in the very near future. As the Ulu noted in his statement, in 1994 Tokelau had expressed a preference for a status of free association with New Zealand, but since that time the emphasis on governance-related issues had relegated political status to the background. The Ulu also expressed the wish that the United Nations and New Zealand should work together with Tokelau towards a greater degree of self-government and economic self-sufficiency.

28. New Zealand welcomed the intention of the Special Committee to pay special attention to the specific problems of the small island Territories which constituted the majority of the territories that had still not achieved self-determination. It also welcomed, and willingly participated in, the process of informal contacts initiated by the Chairman and the Bureau at the request of the Special Committee to improve cooperation between the Special Committee and the administering Powers.

29. In New Zealand's view, the Special Committee faced a key challenge in the new millennium: how could the United Nations provide the reassurance over a longer term that some of the smallest and most remote remaining Territories, such as Tokelau, so clearly sought. The response to that challenge would require the fullest cooperation among the Special Committee, the Territories themselves and the administering Powers. New Zealand looked forward to making its contribution to that process (A/C.4/54/SR.3).

B. Position of the people of Tokelau

30. The issue of self-determination is under active consideration by the people of Tokelau. Speaking to the Special Committee on 29 June 1999, the Ulu O Tokelau listed the many developments that had taken place in 1999. He said: that it was the first year of the third national Government, as Tokelauan elections were held on a three-yearly cycle; that it was the year during which the New Zealand Government had agreed to terminate its control of Tokelauan national public service in the year 2000, thus re-empowering, strengthening and returning to the rightful owners the authority to manage and adjudicate over village affairs; and that 1999 was also the first year of a long-term financial plan recently agreed with the Government of New Zealand, a major part of which was the creation of a Trust Fund intended to bring about a greater closeness to the goal of self-reliance to the greatest extent possible. The Ulu added that, during 1999, they were once again refocusing on the Constitution with an emphasis on formalizing further aspects of national governm[illegible]t structures contained in the "first glimpse of the Constitution", and on how to place them within the context of the villages, which were the foundation of the nation. Furthermore, he said that this year, with the valuable support of UNDP, they would be engaging

in economic activities that, in the long term, would lead to sustainable livelihoods.

31. Regarding the future, the Ulu spoke as follows:

> "The pressure is on. We need your help now and beyond the year 2000. We need the support of the Government of New Zealand and for that support to continue to be guided by the wishes of the elders and the people of Tokelau. We are confident that we can rely on it, and on that basis continue on the path of development of the self-government of Tokelau ...
>
> "With the support of her other two partners, Tokelau has taken this journey for her own reasons. Reasons we believe are happily consistent with those of the administering Power and the United Nations. For we wish to keep and maintain our identity, vitality and, most of all, our dignity and our integrity. Of all our possessions these are our most precious ones. Those that are in 'sacred trust' ...
>
> "... in regard to the political status options, it is well known that, also in 1994, Tokelau expressed a preference for a status of free association with New Zealand. Since then, our main focus has been on governance-related issues. This has placed the political status issues a little in the background. In addition, any detailed consideration of timing depends on our ability to resolve governance issues. Hence our Modern House project.
>
> "At this point, I would simply like to say that a present preference for a status of free association does not mean that Tokelau dismisses any possibility that it might decide to pursue another option — particularly that of integration. Indeed, Tokelau would wish to be more fully informed, in its dialogue with its administering Power, of what would be possible under the integration option, as well as under the free-association one ...
>
> "Today I am imploring the United Nations and the Government of New Zealand to work together with us as partners in this process of decolonization. Tokelau needs continuing support through this process. Continuing dialogue with New Zealand and the outside world is vital. So is the provision of the necessary resources from New Zealand and the international community. Tokelau is grateful for the continuing interest and support of the United Nations ..."

Notes

[1] The information contained in the present paper has been derived from information provided to the Secretariat by the Permanent Mission of New Zealand to the United Nations, by the United Nations Development Programme (UNDP) and by the International Labour Organization (ILO) and from published sources.

[2] Central Intelligence Agency, *World Factbook, 1998.*

[3] Statement by the Permanent Representative of New Zealand to the United Nations, 4 October 1999.

[4] Information from UNDP office, Samoa, 21 February 2000.

[5] Information from ILO office, Fiji, 4 March 2000.

[6] Information from UNDP office, Samoa, 21 February 2000.

[7] Pacific Islands report, Cook Islands News On-line, 1 July 1999.

[8] Secretariat of the Pacific Community, press release, 6 May 1999.

[9] Pacific Islands report, Wansolwara Pasific Nius/ Niuswire, 7 April 1999.

[10] UNDP, *Pacific Human Development Report, 1999.*